REMARKS/ARGUMENTS

Claim status

Claims 109 through 204 are pending. Claims 1-108, and 205-291 have been previously canceled. Claims 110-204 have been previously withdrawn.

Request for Continued Examination

Applicants herein request continued examination of the present application. A PTO RCE form is attached hereto.

Claim Amendment

Applicants have amended Claim 109 to include the limitation "having a recess formed therein" to each layer of the elastomeric structure. Support for this amendment may be found throughout the specification, for example at page 5, lines 1-4. Accordingly, this amendment does not introduce new matter under 35 U.S.C. §132.

Claim Rejections under 35 U.S.C. §102

YANG

The Examiner has rejected Claim 109 under 35 U.S.C. §102(a) as being anticipated by Yang et al., in "A low power MEMS silicone/Parylene Valve"; Solid State Sensor and Actuator Workshop, Hilton Head Island, SC, June 7-11, 1998. Applicants respectfully traverse this rejection for the following reasons.

Yang does not anticipate the claimed invention under §102 because Yang does not disclose using first and second elastomeric layers having recesses formed therein. In the case of the claimed invention, the recesses, in part, form the walls of the channels. Instead, Yang discloses using silicone rubber laminates sandwiched between etched silicon, the etching forming the sides of the channel walls, the silicon layers not being elastomeric (see figures 2, 4, and 8 of Yang and the middle section of the Introduction). For a reference to anticipate, it must disclose each and every element of the claimed

invention, which Yang does not. Accordingly, Applicants respectfully request withdrawal of this rejection.

TAI

The Examiner has rejected Claim 109 under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,345,502 by Tai et al. Applicants respectfully traverse this rejection for the following reasons.

Like Yang above, Tai does not anticipate the claimed invention under §102 because Tai does not disclose using first and second elastomeric layers having recesses formed therein. Indeed, the authors of Yang and the inventors of Tai are one in the same and each reference is essentially describing the same basic silicon sandwich technology wherein the walls of the channels of Tai are formed from non-elastomeric silicon. For a reference to anticipate, it must disclose each and every element of the claimed invention, which Tai does not. Accordingly, Applicants respectfully request withdrawal of this rejection.

MOLES

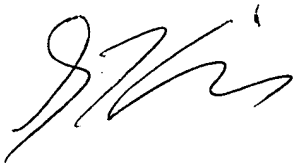
The Examiner has rejected Claim 109 under 35 U.S.C. §102(e) as being anticipated by US Patent No. 5,932,799 by Moles. Applicants respectfully traverse this rejection for the following reasons.

Like Yang and Tai above, Moles does not anticipate the claimed invention under §102 because Moles does not disclose using first and second elastomeric layers having recesses formed therein. Indeed, Moles discloses the same basic silicon sandwich technology wherein the walls of the channels are formed from silicon or a polymer. Moreover, Moles is careful to distinguish the "polymer" of the channel forming layers from the "flexible polymer" of the membrane forming layer (see column 1, lines 28-37 and figure 1c for example). For a reference to anticipate, it must disclose each and every element of the claimed invention, which Tai does not. Accordingly, Applicants respectfully request withdrawal of this rejection.

CONCLUSION

Applicants believe the claims are now in condition for allowance for the foregoing reasons. Accordingly, Applicants respectfully request a Notice of Allowance. If, in the Examiner's opinion, a telephone conference may be helpful, Applicants' counsel may be contacted at the number below.

Respectfully submitted
under 37 C.F.R. §1.34



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